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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,801	12/19/2001	Yung Hsiang Huang	17,623	7835

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/11/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,801

Applicant(s)

HUANG ET AL.

Examiner

Luan K Bui

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6. 6) ☐ Other: .

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Julius (5,542,567).

Julius discloses a package for storing and dispensing moist tissues/wet wipes in a pop-up format comprising a container base (36) connected with a container top (70), a pop-up style dispensing partition having a dispensing orifice (99) positioned between the container base and the container top and a group of moist tissue/wet wipes positioned in the container base between the container base and the pop-up style dispensing partition. Each wipe in the group of wet wipes having a first visibility index, the container top having a second visibility index and the pop-up style dispensing partition having a third visibility index. The wipes usually having a white color and the container base usually made from opaque plastic material which is considered equivalent to the first visibility index is different than the third visibility index.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3728

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Julius (5,542,567) in view of Spruyt et al. (3,784,056; hereinafter Spruyt'056) and Huang et al. (6,269,970; hereinafter Huang'970). Julius discloses a package for storing and dispensing moist tissues/wet wipes in a pop-up format comprising a container base (36) connected with a container top (70), a pop-up style dispensing partition having a dispensing orifice (99) positioned between the container base and the container top and a group of moist tissue/wet wipes positioned in the container base between the container base and the pop-up style dispensing partition. Each wipe in the group of wet wipes having a first visibility index, the container top having a second visibility index and the pop-up style dispensing partition having a third visibility index. The wipes usually having a white color and the container base usually made from opaque plastic material which is considered equivalent to the first visibility index is different than the third visibility index. Julius also discloses the other claimed limitations except for when the container top being closed the wipe from the group of wipes is visibly indicated at the container top as being in-position or not-in-position for pop-up dispensing as soon as the container top is next opened. Spruyt'056 teaches a package (10) for storing and dispensing wet wipes comprising a container base (12) connected with a container top (14) and the container top made from transparent material to permit the user to view into the package while removing a wet wiper (column 3, lines 16-18). Huang'970 shows a package (20) for storing and dispensing wet wipes comprising a container base (22) connected with a container top (24) and both of the container top and container base made from transparent material to permit the user to view into the package to determine the wipes remaining in the package (column 3, lines 40-46). It would have been obvious to one having ordinary skill in the art in view of Spruyt'056 and Huang'970 to

Art Unit: 3728


modify the package of Julius so the container top is made from a transparent material to allow the user to view the wipes within the package prior of removing the container top to dispensing the wipe. Regarding the clarity of the visibility index, the selection of the specific clarity of the visibility index of either the first, second or third visibility index of the package would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific visibility index as claimed solves any particular problem or yields any unexpected results. Claims 15-21 are drawn to the obvious method of using the package of Julius as modified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (703) 305-5861. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to TC 3700 Customer Service at (703) 306-5648.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 872-9301. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
August 5, 2003


Luan K. Bui
Primary Examiner